

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-39630-2017 (O&M)

Date of decision:07.03.2018

Harpreet Singh @ Harmeet Singh & another ... Petitioners

Vs.

State of Punjab ... Respondent

2.CRM-M-40996-2017 (O&M)

Kuldeep Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sandeep Arora, Advocate and
Mr. Rajesh Bhatheja, Advocate for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Kulbir Sekhon, Advocate for the complainant.

...
TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of **CRM-M-39630-2017 (Harpreet Singh @ Harmeet Singh & another Vs. State of Punjab)** and **CRM-M-40996-2017 (Kuldeep Singh Vs. State of Punjab)** as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners herein in case FIR No.179, dated 29.08.2017, under Sections 323/341/148/149 IPC (Section 308 IPC was added subsequently), registered at Police Station Bagha Purana, District Moga.

While issuing notice of motion on 25.10.2017 in CRM-M-39630-2017, the following order was passed by this Court:

“Prayer in the instant petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No. 179 dated 29.08.2017 registered under Sections 323, 341, 148 and 149 IPC (Section 308 IPC was added lateron) at Police Station Bagha Purana, District Moga.

Allegations against the petitioners are that they have given dang and soti blows on the left thigh and right side of the complainant, respectively and also caused injuries to Tara Singh.

Learned counsel contends that initially, the petitioners were released on interim bail by the Investigating Officer for the offences being bailable on furnishing bail bonds to his satisfaction. However, after one month the police had added offence under Section 308 IPC. No recovery has to be effected from the petitioners. They have already joined the investigation. The main injury under Section 308 IPC has been attributed to co-accused Arshdeep Singh. The injuries attributed to the petitioners are not on the vital parts of the complainant and injured-Tara Singh.

Notice of motion for 05.02.2018.

In the meanwhile, the petitioners are directed to join investigation as and when called by the Investigating Officer. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

The notice of motion order dated 02.11.2017 in CRM-M-40996-2017 reads in the following terms:

“Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 179 dated 29.08.2017, registered under

Sections 323, 341, 148 and 149 IPC (Section 308 IPC added later on) at Police Station Bagha Pruana, District Moga.

According to the prosecution, the petitioner had given a baseball bat blow on the forehead of Tara Singh, which was declared simple in nature.

Learned counsel inter alia contends that the petitioner was earlier granted bail and now, he seeks bail after adding of Section 308 IPC, on declaration of injury suffered by injured/complainant-Tarsem Singh, on his left ear, attributed to co-accused, namely; Arashdeep Singh, fatal which may likely to cause his death. Learned counsel further contends that arrest of two co-accused of the petitioner has been stayed by this Court vide order dated 25.10.2017 (Annexure P-4).

Notice of motion for 05.02.2018.

In the meanwhile, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

To be heard along with CRM-M-39630-2017.”

During the course of arguments today, learned State counsel upon instructions from ASI Sukhdev Singh informs the Court that the three petitioners in these connected two petitions have since joined investigation.

That apart, it has gone uncontroverted that the injuries suffered by the complainant as also one Tara Singh and attributed to the petitioners herein have been opined to be simple in nature.

The main injury suffered by the complainant and on account

of which offence under Section 308 IPC was added subsequently is specifically attributed to co-accused Arshdeep Singh (non-applicant).

In view of the above and coupled with the fact that the petitioners have since joined investigation, prayer made in both the petitions is accepted. Order dated 25.10.2017 passed in CRM-M-39630-2017 and order dated 02.11.2017 passed in CRM-M-40996-2017 are made absolute.

Disposed of.

07.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |